

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

KELLY NICOLE DESMOND-NEWMAN,  
Derivatively on Behalf of CEMTREX,  
INC.,

Plaintiff,

vs.

SAAGAR GOVIL, ARON GOVIL, RAJU  
PANJWANI, SUNNY PATEL, and  
METODI FILIPOV,

Defendants,

-and-

CEMTREX, INC.,

Nominal Defendant.

Lead Case No.:

2:18-cv-03992-ADS-ARL

**PLAINTIFFS' UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF  
PROPOSED DERIVATIVE  
SETTLEMENT**

**TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

**PLEASE TAKE NOTICE THAT** Plaintiffs Kelly Nicole Desmond-Newman and Matthias Scharf respectfully move this Court for an order preliminarily approving the proposed derivative settlement of the above-captioned action.

This Motion is supported by the accompanying Memorandum of Law, the Declaration of Thomas J. McKenna and the Stipulation of Settlement dated January 4, 2019 annexed thereto, and all of the prior pleadings and proceedings herein, and such other written or oral argument as may be permitted by the Court.

Dated: January 10, 2019

Respectfully submitted,

**GAINEY McKENNA & EGLESTON**

By: /s/ Thomas J. McKenna

Thomas J. McKenna

Gregory M. Egleston

440 Park Avenue South, 5th Floor

New York, New York 10016

Telephone: (212) 983-1300

Facsimile: (212) 983-0383

Email: [tjmckenna@gme-law.com](mailto:tjmckenna@gme-law.com)

Email : [gegleston@gme-law.com](mailto:gegleston@gme-law.com)

***Lead Counsel for Plaintiffs***

**CERTIFICATE OF SERVICE**

I certify that on January 10, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/ Thomas J. McKenna